

1 BARRY J. PORTMAN
Federal Public Defender
2 LARA S. VINNARD
Assistant Federal Public Defender
3 160 West Santa Clara Street, Suite 575
San Jose, CA 95113
4 Telephone: (408) 291-7753

5 Counsel for Defendant PATINO

FILED

DEC 21 2010

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE

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7
8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA
10 SAN JOSE DIVISION

11 UNITED STATES OF AMERICA,)

12 Plaintiff,)

13 v.)

14 JOSEPH MANUEL PATINO,)

15 Defendant.)
16

No. CR 10-00551 HRL

**STIPULATION TO CONTINUE
HEARING AND EXCLUDE TIME;
[PROPOSED] ORDER**

17 Defendant and the government, through their respective counsel, hereby stipulate that,
18 subject to the court's approval, the hearing in the above-captioned matter, presently scheduled for
19 Tuesday, December 21, 2010 at 9:30 a.m., be continued to Wednesday, January 19, 2011, at 1:30
20 p.m. The continuance is requested to allow the parties additional time to discuss a resolution of
21 this matter, and to allow the defense time necessary for effective preparation.

22 The parties further agree that time should be excluded under the Speedy Trial Act because
23 the ends of justice served by granting the requested continuance outweigh the interest of the
24 public and the defendant in a speedy trial. The failure to grant the requested continuance would
25 deny defense counsel reasonable time necessary for effective preparation, taking into account the
26 exercise of due diligence, and would result in a miscarriage of justice. The parties therefore

STIPULATION TO CONTINUE
HEARING DATE; [PROPOSED] ORDER
No. CR 10-00551 HRL

1 stipulate that this exclusion of time should be made under 18 U.S.C. §§ 3161(h)(8)(A) and
2 (B)(iv).

3 Dated: 12/20/10

4 /s/
LARA S. VINNARD
Assistant Federal Public Defender

5
6 Dated: 12/20/10

7 /s/
JEFFREY SCHENK
Assistant United States Attorney

8
9 **[PROPOSED] ORDER**

10 The parties have jointly requested a continuance of the hearing set for Tuesday, December
11 21, 2010, to allow time for the parties to discuss a resolution and for the defense to prepare
12 effectively.

13 GOOD CAUSE APPEARING, IT IS HEREBY ORDERED that the hearing date
14 presently set for Tuesday, December 21, 2010, at 9:30 a.m., be continued to Wednesday, January
15 19, 2011, at 1:30 p.m.

16 It is FURTHER ORDERED that the time from December 21, 2010, January 19, 2011, is
17 excluded under the Speedy Trial Act 18 U.S.C. §§ 3161(h)(8)(A), because the failure to grant the
18 requested continuance would deny defense counsel reasonable time necessary for effective
19 preparation, taking into account the exercise of due diligence, and would result in a miscarriage
20 of justice.

21 Dated:

22 
23 ~~HOWARD R. LLOYD~~ *Timothy J. Bommer*
24 United States Magistrate Judge
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